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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,226	03/07/2001	Mika Aalto	PM 276662	1688
909	7590	05/03/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			CHOUDHURY, AZIZUL Q	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

2145

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,226

Applicant(s)

AALTO ET AL.

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/5/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This office action is in response to the correspondence received on November 16, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Malkin et al (US Pat No: US006061650A), hereafter referred to as Malkin.

1. With regards to claims 1 and 8, Malkin teaches a method for connecting one of several customer premises equipment, or customer premises equipment, via an ATM network to one of several service providers, said method comprising:
connecting each customer premises equipment to an ATM network via a corresponding network termination point; and forming an access server function, having a permanent virtual connection to each NT and a connection to each service provider; establishing a tunneling protocol on said permanent virtual connection between each NT and said access server function, said tunneling protocol being able to support an integrated signaling protocol; the customer premises equipment or its user selecting an appropriate service provider by using said integrated signaling protocol; performing routing from said customer

premises equipment to said selected service provider by said access server function connecting the customer premises equipment to the selected service provider using said integrated signaling protocol (Malkin discloses a design enabling remote access to a home computer from a mobile remote node (column 1, lines 54-67, Malkin). The design allows for the use of ATM networks (column 2, line 51, Malkin). The remote node (equivalent to the claimed customer premises equipment) contacts an access server (column 2, lines 14-16, Malkin) (equivalent to the claimed access server function). A tunnel management system allows for tunneled connections to be established as claimed as well (column 2, lines 32-34, Malkin). After an authentication process, the remote node is connected to a desired home network computer (equivalent to the claimed service provider) (column 2, lines 25-39, Malkin)).

2. With regards to claims 2 and 9, Malkin teaches the method, further comprising providing one permanent virtual connection from the access server function to each service provider (The connection from the remote node to the home computer (service provider) is a remote connection (column 2, line 20, Malkin) and allows for virtual circuit (column 2, lines 51-52, Malkin). A remote connection is a virtual connection between the remote node and the home computer. In addition, a virtual circuit is a network that virtually connects between the access server and the home computer).

3. With regards to claim 3 and 10, Malkin teaches a method, further comprising providing a pool of permanent virtual connections from the access server function to each service provider; and allocating one connection to each network termination point from said pool (The remote node (CPE) connects to the home computer (service provider) through the access server (column 2, lines 26-39, Malkin). No limitation is placed on the number of home computers that are attached to the access server and hence, means are present by which to enable the claimed pool of service provider connections).
4. With regards to claims 4 and 11, Malkin teaches a method, further comprising establishing one switched virtual connection from the access server function to each service provider, on the basis of signaling which the access server function receives from said customer premises equipment via said tunneling protocol (The home computers (service providers) are attached to the access server (Figure 1, Malkin). In addition, tunneling means are provided within Malkin's design (column 2, lines 32-34, Malkin). The connection request is made from the remote node (customer premises equipment)).
5. With regards to claims 5 and 12, Malkin teaches the method, further comprising establishing said tunneling protocol only in response to detecting appropriate activity in said customer premises equipment (Connections in tunnel networks only are set when the status of the nodes involved are known to be okay).

6. With regards to claims 6, Malkin teaches a method, further comprising establishing said tunneling protocol permanently and initiating said integrated signaling and authenticating the user of said customer premises equipment only in response to detecting appropriate activity in said customer premises equipment (Connections in tunnel networks only are set when the status of the nodes involved are known to be okay. Malkin's design allows for tunneling and authorization (column 2, lines 26-39, Malkin)).
7. With regards to claim 7, Malkin teaches a method, further comprising authenticating the user of said customer premises equipment both by said access server function and by the selected service provider (Authentication in Malkin's design is performed during the first dial in (column 2, lines 14-16, Malkin). Authentication is then performed at the home network (column 2, lines 49-57, Malkin)).
8. With regards to claim 13, Malkin teaches the network element, further comprising means for cooperating with a network termination point between itself and each customer premises equipment, said network termination point being arranged to provide a separate tunnel from itself each of several customer premises equipments and to combine the separate tunnels into fewer tunnels, from itself to

the network element (Gateways are capable of providing the claimed traits (Figure 1, Malkin)).

9. With regards to claim 14, Malkin teaches the network element wherein the number of said fewer tunnels is one (Since tunnel reduction is achieved by gateways (Figure 1, Malkin), it is inherent that the number is decreased to amounts such as one).

Remarks

The amendments and remarks received on November 16, 2004 have been carefully reviewed but are not deemed fully persuasive. The examiner continues to believe that all the claimed traits are present within the Malkin prior art. The claimed invention describes a network connection between two nodes (a CPE and a service provider) through tunneling and authentication. The network is of an ATM form. As clarified in the office action rejections, each of these principal traits are present within the Malkin prior art. The CPE is simply the remote node and the service provider is the home computer in Malkin's design. The design allows for authentication, tunneling and ATM networks. Other traits claimed such as "virtual connection" are inherently established when the network of Malkin's design is established, plus the examiner has provided further details within the rejections about traits such as "virtual connection" and how it is equivalent to "virtual circuit" and "remote connections."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

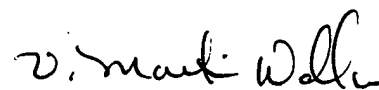
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC


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